



PATENT  
Docket No. DIV-1140-3 (112766-159)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay M. Short Art Unit: 1652  
Serial No.: 09/663,620 Examiner: N. Nashed  
Filing Date: September 15, 2000  
Title: Combinatorial Screening of Mixed  
Populations of Organisms

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JUN 02 2003

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TRANSMITTAL SHEET

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are the following for appropriate action:

1. Amendment In Response To November 27, 2002 Final Office Action, Information Disclosure Statement, Request For Continued Examination and Petition For A Three-Month Extension Of Time.
2. Fee Transmittal Sheet,
3. RCE Transmittal Sheet,
4. Exhibit A – PTO Form 1449 Information Disclosure Statement, ✓
5. Exhibit B – International Search Report and references cited therein, ✓
6. Exhibit C – Highlighted and flagged copies of USPN 5,824,485, USSNs 08/427,348 ✓  
and 08/427,244,
7. Exhibit D – New Combined Declaration and Power of Attorney,
8. Certificate of Express Mailing referring to Express Mail Label No. EV 324106106  
US, and
9. Return Postcard.

Respectfully submitted,

Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

Date: May 27, 2003

HALE AND DORR LLP  
300 Park Avenue  
New York, New York 10022  
(212) 937-7233 (telephone)  
(212) 937-7300 (facsimile)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant: Jay M. Short  
U.S. Serial No.: 09/663,620  
Filing Date: September 15, 2000  
For: COMBINATORIAL SCREENING OF MIXED  
POPULATIONS OF ORGANISMS  
Examiner: Nashaat T. Nashed  
Art Unit: 1652

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**CERTIFICATE OF EXPRESS MAILING**

Date of Deposit: May 27, 2003

I hereby certify that the documents listed in the attached Transmittal Sheet are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 324106106 US** in an envelope with prepaid postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: \_\_\_\_\_

*Jane M. Love*

Printed Name: \_\_\_\_\_

Jane M. Love, Ph.D.

Respectfully submitted,

*Jane M. Love*

Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

Hale and Dorr LLP  
300 Park Avenue  
New York, New York 10022  
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RCE/103

PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/663,620
Filing Date	09/15/2000
First Named Inventor	Jay M. Short
Art Unit	1652
Examiner Name	Nashaat T. Nashed, Ph.D.
Attorney Docket Number	DIV-1140-3

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TECH CENTER 1600/29

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

#17  
BQJ  
6/3/03

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0219
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

05/30/2003 AHONDAF1 00000122 080219 09663620  
01 FC:2801 375.00 CH

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jane M. Love	Registration No. (Attorney/Agent)	42,812
Signature	Jane M. Love, Ph.D.	Date	May 27, 2003

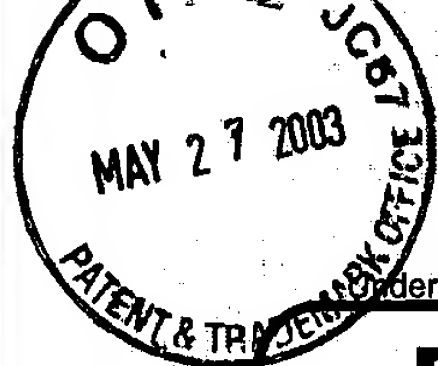
## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Jane M. Love, Ph.D., Reg. No. 42,812
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 840.00

## Complete if Known

Application Number	09/663,620
Filing Date	09/15/2000
First Named Inventor	Jay M. Short
Examiner Name	Nashaat T. Nashed, Ph.D.
Art Unit	1652
Attorney Docket No.	DIV-1140-3

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

08-0219

Hale and Dorr LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  -20\*\* =  X  =   
Independent Claims:  -3\*\* =  X  =   
Multiple Dependent:  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	465.00
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	375.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 840.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jane M. Love, Ph.D.	Registration No. (Attorney/Agent)	42,812	Telephone	(212) 937-7233
Signature	Jane M. Love	Date	May 27, 2003		

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